

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 18, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-14190 - APPLICANT: PYONG CHAL AN - OWNER:  
CANYON LAKES GLASER, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Supper Club use.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-14973) shall be required.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Special Use Permit for the conversion of an existing restaurant to a Supper Club at 9026 West Sahara Avenue.

**EXECUTIVE SUMMARY**

The conversion of an existing restaurant to a Supper Club is in compliance with all applicable plans and policies. The conversion will include the expansion of the restaurant into an adjacent suite. There is a companion Special Use Permit (SUP-14973) for General Business Related Gaming that will be heard concurrently with this item. Approval of this request is recommended.

**BACKGROUND INFORMATION**

**A) *Related Actions***

- |          |  |
|----------|--|
| 08/15/90 | The City Council approved a Special Use Permit (U-0129-90) to allow the sale of Beer and Wine (On-Premise) for an existing restaurant. Staff recommended approval. |
| 09/19/90 | The City Council approved a Special Use Permit (U-0153-90) to allow the sale of Package Liquor as part of an existing drug store.                                  |
| 10/23/91 | The City Council approved a Variance (V-0155-91) to allow 575 parking spaces where 589 Parking spaces are the minimum required.                                    |
| 02/03/93 | The City Council approved a Special Use Permit (U-0207-92) to allow an additional five gaming machines, for a total of 20 machines, in an existing drug store.     |
| 09/21/06 | The Planning Commission recommended approval of companion item SUP-14973 concurrently with this application.   |
| 09/21/06 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #5/ng).  |

***B) Pre-Application Meeting***

05/15/06 A pre-application meeting was held and elements of a Special Use Permit were discussed. Details noted included parking requirements, a parking analysis was requested, and the applicant was informed that a Development Impact Notification Assessment (DINA) would be required.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 5.57

***B) Existing Land Use***

Subject Property: Shopping Center  
North: Multi-Family Residential  
South: Shopping Center  
East: Multi-Family Residential  
West: Shopping Center

***C) Planned Land Use***

Subject Property: SC (Service Commercial)  
North: M (Medium Density Residential)  
South: SC (Service Commercial)  
East: M (Medium Density Residential)  
West: SC (Service Commercial)

***D) Existing Zoning***

Subject Property: C-1 (Limited Commercial)  
North: R-PD18 (Residential Planned Development – 18 Units Per Acre)  
South: C-1 (Limited Commercial)  
East: R-PD18 (Residential Planned Development – 18 Units Per Acre)  
West: C-1 (Limited Commercial)

***E) General Plan Compliance***

The subject property is designated as SC (Service Commercial) under the Southwest Sector Plan of the General Plan. The Service Commercial land use designation allows a variety of commercial uses including the proposed use as a Supper Club. The proposal is in compliance with the General Plan.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Canyon Gate	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

### **Canyon Gate**

The subject property is located in the Canyon Gate Master Planned Community. The Canyon Gate Community does not have specific guidelines regarding development standards and no special action is required regarding the proposed Supper Club use.

## **ANALYSIS**

### **A) Zoning Code Compliance**

#### **A1) Parking and Traffic Standards**

Pursuant to Title 19.04 and Title 19.10, the following Parking Standards apply to the subject proposal:

<b>Uses</b>	<b>GFA</b>	<b>Ratio</b>	<b>Required</b>		<b>Provided</b>	
			<b>Parking</b>		<b>Parking</b>	
			<b>Regular</b>	<b>Handicap</b>	<b>Regular</b>	<b>Handicap</b>
Shopping Center	63,247 SF.	1/250 GFA	253	7	318	9

This restaurant is located in a Shopping Center, which allows the entire site to be calculated at a ratio of 1:250. The site is in compliance with Title 19.04 and Title 19.10 parking requirements.

#### **A2) Minimum Distance Separation Requirements**

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Supper Club	Shall be located a minimum of 400 feet from any church, synagogue, school, child care facility for more than 12 children, or city park.	Yes, the proposed establishment is located approximately 700 feet from the nearest protected use. In this case a school.

***B) General Analysis and Discussion***

- Zoning

The subject property is located in a C-1 (Limited Commercial) District. The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan. The proposed conversion of an existing restaurant to a Supper Club is permissible in the C-1 (Limited Commercial) District with approval of a Special Use Permit. This application is intended to satisfy that requirement; if approved.

- Use

The proposal is to convert an existing restaurant to a Supper Club. The restaurant currently has a Special Use Permit (U-0129-90) for the sale of Beer and Wine (On-Premise). As part of this conversion the applicant would be expanding into an adjacent suite. Additionally the applicant is seeking a second Special Use Permit (SUP-14973) for General Business Related Gaming. The following requirements apply to the proposed Supper Club:

**SUPPER CLUB [N-S THROUGH M]**

Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:

(1) No supper club use shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

(2) Except as otherwise provided in Subsection (3) below, the minimum distances referred to in Subsection (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed supper club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed supper club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:

(a) Any leasehold parcel; or

(b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection (1).

(3) In the case of a supper club proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Subsection (1) shall be measured in a straight line:

(a) From the nearest property line of the existing use to the nearest portion of the structure in which the supper club will be located, without regard to intervening obstacles; or

(b) In the case of a proposed supper club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the supper club will be located, without regard to intervening obstacles.

(4) When considering a Special Use Permit application for a supper club which also requires a waiver of the distance limitation in Subsection (1), the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

(\*5) In the O District, a supper club is permitted only as an accessory use.

(\*6) All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

- Conditions

There are no special conditions related to this Special Use Permit application.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is a conversion of an existing restaurant to a Supper Club. This business is located in a shopping center. The proposed change will be harmonious and compatible with surrounding development. Approval of this request is recommended.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is part of a shopping center. The increase in intensity of the use is accommodated through the expansion of the restaurant into an adjacent suite. The subject site is physically suitable for this type of development.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site gains access from Sahara Avenue and Fort Apache Road, both are 100-foot Primary Arterials. These streets are designed to handle a large traffic flow and are able to accommodate the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit will not compromise the public health or the General Welfare.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

9

## **ASSEMBLY DISTRICT**

13

## **SENATE DISTRICT**

9

**NOTICES MAILED**            937 by City Clerk

**APPROVALS**                 0

**PROTESTS**                 0